No. 00-1187

In The Supreme Court Of The United States

DAVID R. McKUNE, Warden, et al.,

Petitioners,

v.

ROBERT G. LILE,

Respondent.

ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

BRIEF OF 18 STATES AS *AMICUS CURIAE* IN SUPPORT OF PETITIONERS

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QUESTION PRESENTED

Whether the States, consistent with the Fifth Amendment privilege against self-incrimination, may deny special privileges to imprisoned sex offenders who refuse to participate in rehabilitation programs that call for the offenders to discuss their past sex offenses with prison counselors.

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INTEREST OF THE *AMICI* STATES

The 18 *amici* States write to urge the Court to reverse the judgment of the court of appeals. At stake is the States' reasonable and sincere interest in rehabilitating convicted sex offenders incarcerated in state prisons, as well as the States' no-less-legitimate interest in investigating as-yet-unprosecuted allegations of child molestation or other sex offenses.

Child molestation in particular has a devastating effect on its victims, leaving emotional scars that often far exceed its very real physical injuries. R. Summit, *The Child Sexual Abuse Accommodation Syndrome*, 7 Child Abuse and Neglect 177 (1983). Sex offenses involving children are distressingly widespread, with studies suggesting that between 52 and 64 percent of women are sexually molested before age eighteen. G. Wyatt, *The Sexual Abuse of Afro-American and White American Women in Childhood*, 9 Child Abuse and Neglect at 507-19 (1985). Because of the depth and breadth of the problem, all States work hard to prevent past sex offenders from committing similar crimes in the future, and also work hard to prosecute those offenders who have not yet been punished for their crimes.

Unfortunately, the decision below forces state corrections officials to choose between two of the most important weapons in that fight. One is the obligation of public officials – including state corrections officers – to report to the relevant law enforcement authorities in their State any information that the officials learn about cases of suspected child abuse. Precisely because far too many sex offenses go unreported as it is – particularly those offenses involving children – many States at least impose that reporting obligation on those public officials who have reason to believe that a child has been sexually abused, see Appendix A, while many of those States likewise permit

public officials to report to the police any information that they learn from any source about past sex crimes involving adult victims as well.

The other weapon on which most States rely in combating sex crimes is the kind of forward-looking treatment program like the one at issue in this case. As in Kansas, many effective sex offender treatment programs call for state or other government officials to document each offender's past sex offenses as part of the process of helping those offenders move beyond their crimes toward a better future. And because most official records grossly understate the extent of an offender's past sexual misdeeds, *see* R. Hanson, R. Steffey & R. Gauthier, *Long-term Recidivism of Child Molesters*, 61 Journal of Consulting & Clinical Psychology 646, 650 (1993), the information that offenders "self-report" is crucial in helping state officials understand the full scope of each sex offender's past and current problems as those offenders enter treatment and rehabilitation programs in state prisons or elsewhere. G. Abel, J. Becker, M. Mittlemen, J. Cunningham-Rathner, J. Rouleau, and W. Murphy, *Self Reported Crimes of Non-Incarcerated Paraphiliacs*, 2 Journal of Interpersonal Violence 3, 21 (1987).

The Tenth Circuit's approach – barring state officials from imposing any adverse consequences on those imprisoned sex offenders who, during the course of prison sex-offender treatment programs, refuse to discuss their past offenses – undermines both of the legitimate state interests described above, and will in many cases force States to forego one goal to pursue the other. That approach is not compelled by the Fifth Amendment, and is inconsistent with this Court's decision in *Turner v. Safley*, 482 U.S. 78 (1987).

Surely the States may ask that imprisoned sex offenders discuss their past sex offenses as part of the

rehabilitation process, and may deny special in-prison privileges to those inmates who refuse to do so. And certainly the States ought not be forced to undercut their equally valid interest in deterrence by having to guarantee that the offenders will never be punished for any as-yet-unprosecuted sex crimes that the offenders reveal in those rehabilitation sessions. Because the judgment below is not compelled by the Constitution, and because it improperly undercuts the States' dual interests in punishing sex offenders for past crimes and in rehabilitating those offenders effectively to prevent future crimes, the judgment below should be reversed.

SUMMARY OF ARGUMENT

The States are entitled to operate sex offender rehabilitation programs that direct imprisoned offenders to acknowledge their past crimes, for many States have sensibly concluded that inmates who speak openly about their past wrongdoing are less likely to commit similar offenses in the future. When, as in this case, an imprisoned sex offender refuses for whatever reason to participate in such a rehabilitation program, the Fifth Amendment's privilege against self-incrimination does not bar state prison officials from denying special privileges to the non-participating inmate. The kind of consequences in question – a transfer to another prison where television sets are not placed in each inmate's cell and where the exercise facilities are not readily available – are simply not ones that can rightly be said to compel a prisoner to speak about his past crimes despite his desire to remain silent.

And even were the State's imposition of those consequences troubling as a general matter, the fact that they are imposed on *prisoners* is critically important in weighing the constitutional issue raised here. The States face tremendous challenges in managing their prisons, and often

must weigh rehabilitative, punitive and public safety interests that have few equivalents outside prison walls. As this Court has said in previous decisions, the States' prison-management practices and the interests that support them deserve considerable deference from the courts. That is surely true here, where the Kansas sex-offender rehabilitation program represents a sensible approach to a vexing problem, and where Kansas has concluded that alternative approaches like those suggested by the court of appeals will not promote the State's interests as effectively as the program now in place.

ARGUMENT

I. Requiring Offenders To Accept Responsibility For Their Criminal Conduct As Part Of A Sex Offender Treatment Program Does Not Constitute Compulsion Within The Meaning Of The Fifth Amendment.

The Fifth Amendment of course protects the right of all citizens to remain silent in the face of questioning from the government about any past wrongdoing. Just as certainly, however, the Constitution permits the States to withhold from their prisoners special privileges – like in-cell television sets and access to exercise equipment – when those prisoners refuse to participate in reasonable efforts to rehabilitate them. And that is true even where, as here, a State chooses not to grant those special privileges to convicted sex offenders who choose not to discuss their past crimes with prison counselors.

This Court has long held that the government need not make the exercise of the Fifth Amendment privilege cost-free. See, e.g., *Jenkins v. Anderson*, 447 U.S. 231, 238 (1980) (a criminal defendant's exercise of his Fifth

Amendment privilege prior to arrest may be used to impeach his credibility at trial); *McGautha v. California*, 402 U.S. 183, 217 (1971) (the Fifth Amendment is not violated when "a defendant in a capital case yields to the pressure to testify on the issue of punishment at the risk of damaging his case on guilt") *Williams v. Florida*, 399 U.S. 78, 84-85 (1970) (a criminal defendant may be compelled to disclose the substance of an alibi defense prior to trial or be barred from asserting it).

And in civil proceedings, the government does not "offend[] the Fifth Amendment" when it "draw[s] adverse inferences" from a person's "refusal to answer questions." *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272, 286 (1998) (unanimously rejecting Fifth Amendment challenge to State's voluntary clemency interview process). Just as Ohio gave the prisoner in that case the "choice . . . [between] providing information . . . at the risk of damaging his case for clemency" on the one hand, and "remaining silent" on the other, *id.* at 287-88, so in this case, Kansas has simply given its imprisoned sex offenders the option either to provide information about past offenses during in-prison rehabilitation sessions (thereby perhaps triggering future criminal prosecutions for newly-revealed wrongdoing), or to remain silent (thereby perhaps causing prison officials to "draw adverse inferences," *id.* at 286, and in turn revoke from the silent prisoner some of the special privileges that other prisoners enjoy).

Prisoners, criminal defendants, and ordinary citizens make choices all the time in their dealings with the government. As the Court explained in *McGautha*, "[t]he criminal process, like the rest of the legal system, is replete with situations requiring the making of difficult judgments as to which course to follow. . . . Although a defendant may have a right, even of constitutional dimensions, to follow whichever course he chooses, the Constitution does not by

that token always forbid requiring him to choose." *McGautha v. California*, 402 U.S. at 213 (citation and quotations omitted).

The critical questions are these: Has Kansas compelled its prisoners to incriminate themselves, and is the consequence of a prisoner's refusal to discuss his past offenses so severe that the prisoner has little choice but to speak? The answer to both questions is No.

On the issue of compulsion, Kansas of course does not compel anything. To be sure, convicted sex offenders confined in state custody in Kansas and elsewhere are expected to participate in some rehabilitative activities when told to do so by court order, by state law or by a directive from prison officials. But prisoners like the respondent in this case can certainly refuse to so participate. No officials torture them, beat them or otherwise insist that the prisoners talk. Prisoners retain a choice on the issue, and no actions of state officials run afoul of the "torture, bullying and imprisonment for contempt" concerns that the Fifth Amendment's Framers sought to allay. See L. Levy, *History and Judicial History: The Case of the Fifth Amendment in Constitutional Opinions: Aspects of the Bill of Rights* 208 (L. Levy, ed. 1986).

As for the consequences of a prisoner's silence during the kind of sex-offender rehabilitation sessions like the one at issue here, Kansas officials simply transfer the uncooperative inmate to another prison, where his access to a television, to prison activities, and to a gymnasium are lost. Even the court of appeals agreed that those consequences do *not* include a lengthier prison sentence or a new criminal conviction. The consequences that fall on a sex offender who refuses to discuss his past offenses flow from his unwillingness to participate in an activity that prison officials deem important for the inmate's – and the community's – long term well-

being. No one orders the prisoner to confess his crimes, to make incriminating statements under oath, or to serve a longer time in custody. The government's actions simply deprive him of particular privileges enjoyed by inmates who *do* participate in the rehabilitation program that the prison sensibly hopes to promote.

The States' interest in facilitating the rehabilitation of their incarcerated sex offenders is undeniable. This Court itself has recognized that an admission of guilt, if not coerced, advances the goals of both justice and rehabilitation. *Michigan v. Tucker*, 417 U.S. 434, 448, n.23 (1974). The Court has further acknowledged the important differences between prison disciplinary proceedings on the one hand and criminal prosecutions on the other. *Baxter v. Palmigiano*, 425 U.S. 308, 318-19 (1976). Given the minimal consequences here, this case surely falls in the former category.

Just as the death-row prisoner in *Woodard* could choose whether to speak at the voluntary clemency interview at issue in that case, 523 U.S. at 286, so the prisoner in this case is free to choose whether to speak at the prison rehabilitation sessions when he is asked to open up about his past sexual history. Those choices of course carry consequences – in *Woodard*, the potential impact of the prisoner's statement or silence on the Governor's decision whether to spare his life, and in this case, the possibility that a statement about past uncharged offenses might lead to new penalties, and the likelihood that silence might lead to reduced privileges – but defendants remain free to make the choice that seems best for them.

Even the sex offender who has the most to lose by speaking (presumably because he fears revealing a string of past offenses for which he has never been prosecuted or punished), can sensibly choose – like the respondent in this

case – to sit silent during the rehabilitation sessions. The resulting consequences that he then faces are simply not the type of potent sanction that the Fifth Amendment is designed to guard against. The judgment of the court of appeals on the Fifth Amendment issue should be reversed.

II. The Kansas Program Is Reasonably Related To Legitimate Penological Interests.

Even if the mild adverse consequences that the respondent has challenged in this case are incompatible with general Fifth Amendment principles, Kansas and other States should be entitled to impose those consequences in the unique and limited setting in which they apply: amongst convicted and imprisoned criminals. Under *Turner v. Safley*, 482 U.S. 78 (1987), courts are to give considerable deference to the States' legitimate penological interests when prisoners raise constitutional claims, even if those claims "would raise grave . . . concerns outside the prison context." *Thornburgh v. Abbott*, 490 U.S. 401, 407 (1989). The decision below failed to follow *Turner*'s rule of deference in several specific ways.

First, the court of appeals placed undue emphasis on the nature of the right asserted, applying *Turner* in a half-hearted way that is at odds with both *Turner* itself and with later cases. The court of appeals also misapplied *Turner*'s four-part test, equating the constitutionally insignificant consequences at issue here with the outright denial of a constitutional right, reversing the applicable burden of proof and ignoring the very heavy costs that judicially imposed alternatives would exact on the States' penological objectives.

Because the court of appeals was "inclined to believe that prisons may better accomplish their goal of rehabilitation" in some other way besides the route chosen by

Kansas, *Lile v. McKune*, 224 F.3d 1175, 1192 (10th Cir. 2000), that court stuck down a practice that the States ought to be free to follow. The appellate court's approach runs afoul of *Turner*'s core precept that "prison administrators . . . and not the courts, [are] to make the difficult judgments" about the best ways to run our nation's prisons. *Turner*, 482 U.S. at 89 (quoting *Jones v. North Carolina Prisoners' Labor Union*, 433 U.S. 119, 128 (1977)).

A. The Court Below Improperly Downplayed The Importance Of The State Interests At Stake.

The court below candidly admitted that the "real" basis for its non-deferential application of *Turner* was "the seriousness with which we have always treated the Fifth Amendment right against self incrimination." *Lile*, 224 F.3d at 1192. While there is no disputing the importance of that right, the equally indisputable underpinning of *Turne*r – the immense challenge that the States face every day in running their prisons – requires that *Turner* be applied dutifully regardless of the constitutional right in question.

The *Turner* test of course rests on the reality that incarcerating and rehabilitating prisoners is an "inordinately difficult undertaking that requires expertise, planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government." *Turner*, 482 U.S. at 85. Because those "Herculean" tasks "are complex and intractable," *Procunier v. Martinez*, 416 U.S. 396, 404-05 (1974), and because "courts . . . are not equipped by experience or otherwise to 'second guess' the decisions of state legislatures and administrators in this sensitive area," *Jones*, 433 U.S. at 137 (Burger, C.J., concurring), *Turner* requires great deference to correctional officials' informed opinions of what is necessary to effectively accomplish what society expects of them.

Those realities are not changed by the nature of the constitutional right asserted by any given prisoner, and therefore "*Turner* applies to *all* circumstances in which the needs of prison administration implicate constitutional rights." *Washington v. Harper*, 494 U.S. 210, 224 (1990) (emphasis added). The Court reiterated that view just last Term. See *Shaw v. Murphy*, 121 S. Ct. 1475, 1479 (2001) ("*Turner* . . . set[] a unitary, deferential standard for reviewing prisoners' claims"). That standard applies "even when the constitutional right claimed to have been infringed is fundamental, and the State under other circumstances would have been required to satisfy a more rigorous standard of review." *Washington*, 494 U.S. at 223.

In short, *Turner* is based on the practical demands of the correctional mission, not on a court's view of the importance of the right asserted. Those operational demands are consistently formidable regardless of the legal issues they generate. Common sense and this Court's teachings require that the States' management of their prisons must therefore be evaluated in a consistently deferential manner.

B. The Kansas Program Meets *Turner's* Four-Part Test.

Turner calls for courts to examine four factors when weighing whether a prison regulation is "reasonably related to legitimate penological interests." *Turner*, 482 U.S. at 89. Those factors are (1) whether the regulation is rationally tied to such an interest, (2) whether prisoners enjoy alternate means to exercise the restricted right, (3) the effect on guards, other inmates and prison resources if the regulation is abandoned, and (4) the existence of alternatives that might accommodate the prisoner's right without unduly hampering the State's valid penological interests. *Turner*, 482 U.S. 89-91. Each of the *Turner* factors decidedly supports the mild

incentives implemented by Kansas to promote sex offender rehabilitation.

a. The Program Furthers Valid Penological Interests.

The regulation at issue is reasonably related to two valid penological interests: rehabilitation and deterrence of crime.

The rehabilitation of convicted sex offenders is of course a legitimate and pressing interest of the States. Many of the States, like Kansas, work to confront the ongoing cycle of violence to which many sex offenders are prone by asking those offenders to themselves confront and discuss openly their past behavior. "Denial is generally regarded as a main impediment to successful therapy," and "[t]herapists depend on offenders' truthful descriptions of events leading to past offenses in order to determine which behaviors need to be targeted in therapy." H. Barbaree, *Denial and Minimization Among Sex Offenders: Assessment and Treatment Outcome*, Vol. 3, No. 5, Forum on Corrections Research 30 (1991). The Kansas program at issue here furthers the State's rehabilitative goal by calling for prisoners to give the kind of complete and truthful answers that successful therapy programs demand.

And although often overlooked, deterrence also is "[a]n important function of the corrections system." *Pell v. Procunier*, 417 U.S. 817, 822 (1974). By subjecting offenders to prosecution for newly-revealed offenses, and by adhering to its chosen policy of mandatory reporting for cases of suspected child sexual abuse, Kansas reinforces the sensible notion that wrongdoing carries consequences.

b. The Program Does Not Prevent Prisoners From Choosing To Remain Silent.

The second *Turner* factor asks whether "other avenues remain available for the exercise of the asserted right." *Turner*, 482 U.S. at 90 (quotations omitted). The court below concluded that no such alternatives exist for the respondent prisoner to exercise his Fifth Amendment right. That analysis is flawed in two important respects.

First, it overstates the effect of the Kansas rehabilitation program on the right of prisoners to remain silent. The Kansas program – like many similar programs across the country – does not compel prisoners to testify against themselves. Those programs do not subject uncooperative prisoners to any penalties beyond the scope of their lawfully imposed sentences, but instead simply deny special privileges to those prisoners who choose not to participate. Prisoners may maintain their silence if they so chose, and if they do so, they merely lose certain privileges to which they never had any entitlement in the first place.

Second, the court of appeals ignored this Court's words describing the degree of accommodation that is required. "The Constitution, we said, 'does not mandate comfortable prisons,' . . . and only those deprivations denying 'the minimal civilized measure of life's necessities,' . . . are sufficiently grave" so as to offend its principles. *Wilson v. Seiter*, 501 U.S. 294, 298 (1991) (quoting *Rhodes v. Chapman*, 452 U.S. 337, 349, 347 (1981)). No one claims that the respondent would be subject to anything approaching that constitutional floor under the Kansas offender-rehabilitation program. That the choices an offender faces under the Kansas system might be "'unimpressive' if offered to justify a restriction on . . . members of the general public"

is irrelevant, because prisoners and prison life are simply different than life on the outside. *Turner*, 482 U.S. at 88 (quoting *Pell*, 417 U.S. at 825). Given those precepts, the court of appeals wrongly equated the withholding of prison privileges with a complete denial of the Fifth Amendment privilege, and wrongly faulted Kansas for giving prisoners the choices that are available to them in this situation.

c. Other Approaches Might Adversely Affect The Prison Environment.

Although the court of appeals devoted little analysis to *Turner*'s third factor, that decision calls for consideration of "the impact accommodation of the asserted constitutional right will have on guards and other inmates." *Turner*, 482 U.S. at 90. The court below did not address that impact as it should have.

Procedurally, the court below minimized the third *Turner* factor, saying that it saw "no evidence that accommodation of the right would have any negative effect." *Lile*, 224 F.3d at 1191. Yet any lack of proof on the impact of accommodating the respondent prisoner's Fifth Amendment claim actually supports, rather than undermines, the approach that Kansas and other States have adopted. Both before and after *Turner*, the Court has explained that the burden of proof concerning the impact of prison regulations that affect prisoner rights is on the affected prisoner or prisoners, not on the State. See *Shaw v. Murphy*, 121 S. Ct. at 1481 ("[u]nder *Turner*," prisoners "must overcome the presumption that the prison officials acted within their 'broad discretion'"); *Jones v. North Carolina Prisoners' Labor Union*, 433 U.S. at 128 ("the burden [i]s not on [corrections officials] . . . to show affirmatively that the [disputed matter] . . . would be detrimental to proper penological objectives or would constitute a present danger to security and order") (quotations omitted).

Substantively, the accommodation suggested by the court of appeals – granting immunity to prisoners for any statements that they make during sex-offender rehabilitation sessions – could very well disrupt prison operations significantly by exacerbating tensions between sex offenders and other inmates. Granting sex offenders immunity for their statements about what are in many cases very serious crimes would give them a benefit not given to other inmates. That special treatment would not go unnoticed by other inmates, and the resulting tensions would likely add to the difficulties that the States face in managing an already volatile environment. Blanket immunity would, in effect, force officials to chose between two conflicting imperatives: promoting effective rehabilitation and maintaining internal security. "Where exercise of a right requires that kind of tradeoff, . . . the choice made by corrections officials – which is, after all, a judgment 'peculiarly within [their] province and professional expertise' . . . – should not be lightly set aside by the courts." *Turner*, 482 U.S. at 92-93 (quoting *Pell*, 417 U.S. at 827).

d. Other Approaches Could Well Undercut Important State Interests.

The final *Turne*r factor looks to the availability of ready alternatives that will impose little cost to the State's objectives while accommodating the prisoner's rights. *Turner*, 482 U.S. at 90-91. "This is not a 'least restrictive alternative' test," and such alternatives only exist if they "fully accommodate[] the prisoner's rights at *de minimis* cost to valid penological interests." *Id*. at 91.

The use-immunity alternative suggested by the court of appeals would in fact exact a significant cost by requiring the States to compromise their "valid penological objectives," which include "deterrence of crime,

rehabilitation of prisoners and institutional security." *O'Lone v. Shabazz*, 482 U.S. 342, 348 (1987). State officials must rely in large part on "[s]elf-report[ed] information" in rehabilitating sex offenders, because arrest records alone typically do not provide a true picture about a sex offender's history of violence. G. Abel, J. Becker, M. Mittlemen, J. Cunningham-Rathner, J. Rouleau, and W. Murphy, *Self Reported Crimes of Non-Incarcerated Paraphiliacs*, 2 Journal of Interpersonal Violence 3, 21 (1987). Yet granting use immunity to offenders who self-report previously unprosecuted crimes could very well frustrate the States' important interest in deterring criminal sexual conduct.

The strength of the States' interest in deterrence-through-punishment is reflected in the fact that every State has enacted statutes *requiring* that all cases of suspected child molestation be reported for prosecution when discovered. See Appendix A. Granting use immunity to sex offenders who reveal previously unreported or unprosecuted instances of child sexual abuse would cut the legs out from under those statutes, for without the testimony of the offender himself, the uncorroborated testimony of a child victim is often not enough to secure a conviction. "There are seldom other witnesses or corroborating physical evidence," and "the crime usually involves many separate acts occurring over a period of time," making "accurate reporting of the sequence of events a difficult task for a child." L. Berliner & M. Barbieri, *The Testimony of the Child Victim of Sexual Assault*, 40 J. Soc. Issues 125, 129 (1984).

In short, the alternative approach offered by the court of appeals would require Kansas to choose between two of its most powerful weapons in the fight against the sexual abuse of children: effective rehabilitation and effective prosecution. That alternative would compel Kansas to fight the sexual abuse of it most vulnerable citizens with one hand tied behind its back, and would plainly impose more than a "*de*

minimis cost to valid penological interests." *Turner*, 482 U.S. at 91.

CONCLUSION

For the foregoing reasons, the judgment of the court of appeals should be reversed.

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July 2001

APPENDIX

State Statues That Impose A Duty On State Officials Or Others To Report Suspected Child Sexual Abuse To Law Enforcement Authorities

Ala.Code §26-14-3
Alaska Stat. §47.17.020
Ariz. Rev. Stat. §13-3620
Arkansas Code §12-12-507
Cal. Penal Code §§11165.9
Col. Rev. Stat. Ann. §19-3-304
Conn. Gen. Stat. §17a-101
16 Del. Code Ann. §903
Fla. Stat. §39.201
Georgia Code §19-7-5
Hawaii Rev. Stat. §350-1.1
Idaho Code §16-1619
325 Ill. Comp. Stat. 5/4
Indiana Code Ann. §31-33-5-1
Iowa Code §232.69
Kansas Stat. Ann.§38-1522
Ky. Rev. Stat. §620.030
La. Children's Code Art. 609
22 Maine Rev. Stat. §4011
Md. Fam. Law Code §5-705
Mass. Ann. Laws ch. 119 §51A
Mich. Comp. Laws §722.623
Minn. Stat. §626.556
Miss. Code §43-21-353
Rev. Stat. Mo. 210.115
Montana Code Ann. 41-3-201
Neb. Rev. Stat. §28-711
Nevada Rev. Stat. §432B.220
N.H. Rev. Stat. §169-c:29

N.J. Stat. §9:6-8.10
N.M. Stat. Ann. §32A-4-3
N.Y. Cons. Social Services Law §413
N.C. Gen. Stat. §7B-301
N.D. Cent. Code §50-25.1-03
Ohio Rev. Code §2151.421
10 Okla. Stat. §7103
Ore. Rev. Stat. §419B.010
23 Pa.C.S. §6311
R.I. Gen. Laws §40-11-3
S.C. Code §20-7-510
S.D. Cod. Laws §26-8A-3
Tenn. Code Ann. §37-1- 403
Tex. Fam. Code §261.101
Utah Code Ann. §62A-4a-403
33 Vt. Stat. Ann. §4913
Va. Code Ann. §63.1-248.3
Wa. Rev. Code §26.44.030
W.Va. Code §49-6A-2
Wis. Stat. §48.981
Wyo. Stat. §14-3-205